

## WOLFPOPPER

**MEMO ENDORSED**

April 3, 2023

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 4/6/2023

**By ECF**

Honorable Valerie E. Caproni  
United States District Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

**Re: *Sarah Valelly v. Merrill Lynch, Pierce, Fenner & Smith Incorporated, No. 19-cv-07998 (VEC)***

Dear Judge Caproni:

Plaintiff Sarah Valelly and Defendant Merrill Lynch, Pierce, Fenner & Smith Incorporated jointly file this letter motion to seal and/or redact confidential information, in accordance with the dates and procedures identified below, which are intended to supplement Rule 5(B) of the Court's Individual Practices in Civil Cases.

Plaintiff anticipates filing her motion for reconsideration and clarification tomorrow, April 4, 2023. These papers will be referencing materials that Defendant and Bank of America, N.A. (also represented by defense counsel) designated as confidential or highly confidential under the governing protective order. Similar to the approach that the parties and the Court took in connection with the *Daubert* and class certification briefing, to minimize the number of court filings and disputes regarding confidentiality that the Court will need to resolve, and to allow defense counsel sufficient time to confer with their client about proposed redactions, the parties propose as follows:

- Plaintiff will serve, on ECF, a sealed version of her motion papers, by April 4, 2023. That motion will be deemed filed pursuant to this Court's local rules.
- The parties will meet and confer within two days after service to discuss the need to redact or seal any portions of her papers.
- Unless Defendant agrees that there is no need for sealing or redaction and that Plaintiff's papers may be viewed publicly, Defendant will provide Plaintiff with proposed redacted copies of Plaintiff's under-seal filings for Plaintiff to file on ECF.
- On April 11, 2023, Plaintiff will file the redacted and/or public versions of the papers, and the parties will file a joint letter pursuant to Rule 5B.iii of Your Honor's Individual Rules reflecting the parties' respective positions on whether the material should be sealed or redacted.

**WOLFPAPPER**

Honorable Valerie E. Caproni  
April 3, 2023  
Page 2

The parties thank the Court for its attention to this matter.

Respectfully submitted,

**WOLF POPPER LLP**

/s/ Robert C. Finkel

Robert C. Finkel  
Adam J. Blander  
Philip M. Black  
845 Third Avenue  
New York, N.Y. 10022  
Tel: 212.759.4600

*Attorneys for the Plaintiff and the  
Putative Class*

**DAVIS POLK & WARDWELL LLP**

/s/ Lara Samet Buchwald

Paul S. Mishkin  
Lara Samet Buchwald  
Cristina M. Rincon  
450 Lexington Avenue  
New York, N.Y. 10017  
Tel: 212.4450.4000

*Attorneys for Defendant Merrill Lynch,  
Fenner & Smith Incorporated*

CC: All counsel of record (via ECF)

Application GRANTED.

SO ORDERED.



Date: 4/6/2023

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE